
SENATE BILL 6118

State of Washington

60th Legislature

2007 Regular Session

By Senators Fairley and Regala

Read first time 02/23/2007. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to complementary and alternative health care;
2 amending RCW 18.130.040; adding a new section to chapter 70.02 RCW; and
3 adding a new chapter to Title 18 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington
6 citizens receive health care from a variety of health care providers.
7 Some of those providers are presently not licensed or otherwise
8 regulated by the state of Washington. The legislature intends that
9 complementary and alternative health care shall be regulated only to
10 the extent provided in this chapter.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Complementary and alternative health care" means healing
14 methods and treatments including, but not limited to: (a) Acupressure;
15 (b) anthroposophy; (c) aromatherapy; (d) ayurveda; (e) culturally
16 traditional healing practices; (f) detoxification practices and
17 therapies; (g) energetic healing; (h) polarity therapy; (i) folk
18 practices; (j) healing practices utilizing heat, cold, water, touch,

1 and light; (k) colostrum therapy; (l) healing touch; (m) herbology or
2 herbalism; (n) homeopathy; (o) nondiagnostic iridology; (p) meditation;
3 and (q) traditional Oriental practices, as Qigong energy healing.
4 "Complementary and alternative health care" does not include surgery,
5 X-ray radiation, administering or dispensing legend drugs and
6 controlled substances, practices that invade the human body by puncture
7 of the skin, setting fractures, the use of medical devices as defined
8 in chapter 18.71 RCW, any practice included in the practice of
9 dentistry as defined in chapter 18.32 RCW, or the manipulation or
10 adjustment of articulations of joints or the spine as described in
11 chapter 18.25 RCW.

12 (2) "Complementary and alternative health care client" means an
13 individual who receives care from a complementary and alternative
14 health care practitioner.

15 (3) "Complementary and alternative health care practitioner" means
16 a person who:

17 (a) Provides complementary and alternative health care; and

18 (b) Provides such care for remuneration or holds himself or herself
19 out to the public as a practitioner of complementary and alternative
20 health care.

21 (4) "Department" means the department of health.

22 (5) "Secretary" means the secretary of the department of health.

23 NEW SECTION. **Sec. 3.** No individual shall provide complementary
24 and alternative health care unless that individual is registered with
25 the department in accordance with this chapter.

26 NEW SECTION. **Sec. 4.** A practitioner may refer to himself or
27 herself by a title or qualification conferred on the individual by
28 virtue of degrees, training, experience, credentials, or other
29 qualifications attained by the practitioner.

30 NEW SECTION. **Sec. 5.** A health care practitioner licensed or
31 registered by the department or a health-related licensing board, who
32 provides complementary and alternative health care while practicing
33 under the practitioner's license or registration, shall be regulated
34 by, and be under the jurisdiction of, the applicable health-related
35 licensing board with regard to complementary and alternative health

1 care. A practitioner may not hold himself or herself out to the public
2 as being licensed or registered by the department or a health-related
3 licensing board when providing complementary and alternative health
4 care.

5 NEW SECTION. **Sec. 6.** A complementary and alternative health care
6 practitioner may not provide a medical diagnosis or recommend
7 discontinuance of medically prescribed treatments.

8 NEW SECTION. **Sec. 7.** This chapter does not apply to, control,
9 prevent, or restrict the practice, service, or activity of lawfully
10 marketing or distributing food products, including dietary supplements
11 as defined in the federal dietary supplement health and education act,
12 educating customers about such products, or explaining the use of such
13 products.

14 NEW SECTION. **Sec. 8.** (1) The secretary shall prescribe an
15 application form to register individuals who wish to provide
16 complementary and alternative health care, requesting the following
17 information from the applicant:

18 (a) The applicant's name, home and business address, telephone
19 number, gender, and date and location of birth;

20 (b) The modalities the applicant practices;

21 (c) The training and education the applicant has received;

22 (d) Whether the applicant employs licensed health care
23 professionals or works under the supervision of a licensed health care
24 professional and, if so, the names and business information of those
25 professionals;

26 (e) Whether the applicant has been convicted of a felony;

27 (f) Any health care license or certificate the applicant holds in
28 Washington;

29 (g) Whether an applicant voluntarily surrendered a license or
30 certificate issued by a health-related licensing board in this state
31 after civil or criminal charges were filed against the applicant in
32 this state or another jurisdiction;

33 (h) Any medical or physical conditions that may impair an applicant
34 from providing complementary and alternative health care services;

1 (i) Any treatment for alcohol abuse, controlled substance abuse,
2 prescription drug abuse, or illegal drug abuse that an applicant has
3 received during the ten years immediately preceding the date the
4 applicant submits the application;

5 (j) Any disciplinary action taken against the applicant by the
6 department or a similar agency in another state that allows individuals
7 to provide complementary and alternative health care;

8 (k) Any current investigations involving the applicant conducted in
9 a state that allows individuals to provide complementary and
10 alternative health care.

11 (2) The application form shall require the applicant to promise to
12 provide each client with a copy of the client bill of rights required
13 under this chapter, to obtain a signed copy of that bill of rights
14 prior to providing any care to a client, and to retain a copy of each
15 signed bill of rights and records of a client's care for a period of
16 five years after the last visit by the client. The application form
17 shall be signed by the applicant, and the information in the
18 application form shall be provided by the applicant under penalty of
19 perjury.

20 (3) The department shall maintain a list of all registered
21 complementary and alternative health care practitioners and any
22 disciplinary actions taken against such practitioners.

23 NEW SECTION. **Sec. 9.** (1) To register with the department, an
24 applicant shall satisfy all of the following criteria:

25 (a) Be at least eighteen years of age;

26 (b) Complete the application form prescribed by the secretary and
27 submit the form to the department; and

28 (c) Pay a registration fee.

29 (2) The department shall not register an applicant if the applicant
30 was convicted of a felony or disciplined by the department or a
31 comparable disciplinary authority in another jurisdiction. An
32 applicant is not disqualified from registration if the felony or the
33 disciplinary action against the applicant was for the provision of
34 complementary and alternative health care as permitted under this
35 chapter.

1 NEW SECTION. **Sec. 10.** A registration issued under this chapter is
2 valid for one year. A practitioner may renew such registration by
3 providing to the department such information as it may prescribe and by
4 paying a renewal fee.

5 NEW SECTION. **Sec. 11.** (1) The department shall register
6 complementary and alternative health care practitioners, investigate
7 complaints, and take disciplinary actions against all complementary and
8 alternative health care practitioners for violations of prohibited
9 conduct, as defined in chapter 18.130 RCW.

10 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
11 registered practice and the registration and discipline of persons
12 under this chapter. The department is the disciplining authority under
13 this chapter.

14 (3) The department shall forward to the appropriate health-related
15 licensing boards any complaints that fall within the jurisdiction of
16 such boards.

17 (4) The department shall provide any person who makes a complaint
18 against a complementary and alternative health care practitioner a
19 description of the department's actions relating to the complaint.

20 NEW SECTION. **Sec. 12.** (1) All complementary and alternative
21 health care practitioners shall provide to each complementary and
22 alternative health care client prior to providing any care a written
23 copy of the complementary and alternative health care client bill of
24 rights. A copy must be posted in a prominent location in the office of
25 the complementary and alternative health care practitioner. Reasonable
26 accommodations shall be made for those clients who cannot read or who
27 have communication impairments and those who do not read or speak
28 English. The complementary and alternative health care bill of rights
29 shall include the following:

30 (a) The name, complementary and alternative health care title,
31 business address, and telephone number of the complementary and
32 alternative health care practitioner;

33 (b) The degrees, training, experience, or other qualifications of
34 the practitioner regarding the complementary and alternative health
35 care being provided, followed by the following statement in bold print:

36 "THE STATE OF WASHINGTON HAS NOT ADOPTED ANY EDUCATIONAL AND

1 TRAINING STANDARDS FOR COMPLEMENTARY AND ALTERNATIVE HEALTH
2 CARE PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR
3 INFORMATION PURPOSES ONLY.

4 A COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER MAY
5 NOT PROVIDE A MEDICAL DIAGNOSIS OR RECOMMEND DISCONTINUANCE OF
6 MEDICALLY PRESCRIBED TREATMENTS. IF A CLIENT DESIRES A
7 DIAGNOSIS FROM OTHER HEALTH CARE PROVIDERS AUTHORIZED TO MAKE
8 A DIAGNOSIS, THE CLIENT MAY SEEK SUCH SERVICES AT ANY TIME."

9 (c) If the practitioner is also a licensed health care
10 professional, the following statement shall be in the bill of rights in
11 bold print:

12 "I HOLD THE FOLLOWING LICENSES AND CERTIFICATIONS ISSUED BY THE
13 STATE OF WASHINGTON: (list of licenses and certifications).
14 HOWEVER, I AM PROVIDING MY SERVICES TO YOU AS A COMPLEMENTARY
15 AND ALTERNATIVE HEALTH CARE PRACTITIONER AND NOT AS A LICENSED
16 HEALTH CARE PROFESSIONAL. THE STATE HAS NOT ADOPTED ANY
17 EDUCATION OR TRAINING REQUIREMENTS FOR COMPLEMENTARY AND
18 ALTERNATIVE HEALTH CARE PRACTITIONERS."

19 (d) The name, business address, and telephone number of the
20 practitioner's supervisor, if any;

21 (e) Notice that a complementary and alternative health care client
22 has the right to file a complaint with the practitioner's supervisor,
23 if any, and the procedure for filing complaints;

24 (f) The address and telephone number of the department and notice
25 that a client may file complaints with the department;

26 (g) The practitioner's charge per unit of service, the
27 practitioner's method of billing for such charge, the name of insurance
28 companies that have agreed to reimburse the practitioner, health
29 maintenance organizations with whom the practitioner contracts to
30 provide services, and whether the practitioner accepts medicare,
31 medical assistance, or general assistance medical care;

32 (h) A statement that the client has a right to reasonable notice of
33 changes in services or charges;

34 (i) A brief summary, in plain language, of the theoretical approach
35 used by the practitioner in providing services to clients;

36 (j) Notice that the client has a right to complete and current

1 information concerning the practitioner's assessment and recommended
2 service that is to be provided, including the expected duration of the
3 service to be provided;

4 (k) A statement that clients may expect courteous treatment and to
5 be free from verbal, physical, or sexual abuse by the practitioner;

6 (l) A statement that client records and transactions with the
7 practitioner are confidential, unless release of these records is
8 authorized in writing by the client, or otherwise provided by law;

9 (m) A statement of the client's right to be allowed access to
10 records and written information from records in accordance with chapter
11 70.02 RCW;

12 (n) A statement that the client has the right to choose freely
13 among available practitioners and to change practitioners after
14 services have begun, within the limits of health insurance, medical
15 assistance, or other health programs;

16 (o) A statement that the client has a right to coordinate transfer
17 when there will be a change in the provider of services;

18 (p) A statement that the client may refuse services or treatment,
19 unless otherwise provided by law; and

20 (q) A statement that the client may assert the client's rights
21 without retaliation.

22 (2) Prior to the provision of any complementary and alternative
23 health care, the client must attest in writing that the client has
24 received the complementary and alternative health care client bill of
25 rights.

26 NEW SECTION. **Sec. 13.** The information and records of a
27 complementary and alternative health care practitioner pertaining to a
28 client shall be privileged communications, the same as now or hereafter
29 may exist in the relationship of physician and patient, and shall not
30 be released or subjected to disclosure without the client's consent or
31 as otherwise required by law.

32 NEW SECTION. **Sec. 14.** A new section is added to chapter 70.02 RCW
33 to read as follows:

34 Complementary and alternative health care practitioners registered
35 under chapter 18.-- RCW (sections 1 through 13 of this act) are subject
36 to this chapter.

1 **Sec. 15.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read
2 as follows:

3 (1) This chapter applies only to the secretary and the boards and
4 commissions having jurisdiction in relation to the professions licensed
5 under the chapters specified in this section. This chapter does not
6 apply to any business or profession not licensed under the chapters
7 specified in this section.

8 (2)(a) The secretary has authority under this chapter in relation
9 to the following professions:

10 (i) Dispensing opticians licensed and designated apprentices under
11 chapter 18.34 RCW;

12 (ii) Naturopaths licensed under chapter 18.36A RCW;

13 (iii) Midwives licensed under chapter 18.50 RCW;

14 (iv) Ocularists licensed under chapter 18.55 RCW;

15 (v) Massage operators and businesses licensed under chapter 18.108
16 RCW;

17 (vi) Dental hygienists licensed under chapter 18.29 RCW;

18 (vii) Acupuncturists licensed under chapter 18.06 RCW;

19 (viii) Radiologic technologists certified and X-ray technicians
20 registered under chapter 18.84 RCW;

21 (ix) Respiratory care practitioners licensed under chapter 18.89
22 RCW;

23 (x) Persons registered under chapter 18.19 RCW;

24 (xi) Persons licensed as mental health counselors, marriage and
25 family therapists, and social workers under chapter 18.225 RCW;

26 (xii) Persons registered as nursing pool operators under chapter
27 18.52C RCW;

28 (xiii) Nursing assistants registered or certified under chapter
29 18.88A RCW;

30 (xiv) Health care assistants certified under chapter 18.135 RCW;

31 (xv) Dietitians and nutritionists certified under chapter 18.138
32 RCW;

33 (xvi) Chemical dependency professionals certified under chapter
34 18.205 RCW;

35 (xvii) Sex offender treatment providers and certified affiliate sex
36 offender treatment providers certified under chapter 18.155 RCW;

37 (xviii) Persons licensed and certified under chapter 18.73 RCW or
38 RCW 18.71.205;

- 1 (xix) Denturists licensed under chapter 18.30 RCW;
2 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
3 (xxi) Surgical technologists registered under chapter 18.215 RCW;
4 (~~and~~)
5 (xxii) Recreational therapists; and
6 (xxiii) Complementary and alternative health care practitioners
7 registered under chapter 18.-- RCW (sections 1 through 13 of this act).
8 (b) The boards and commissions having authority under this chapter
9 are as follows:
10 (i) The podiatric medical board as established in chapter 18.22
11 RCW;
12 (ii) The chiropractic quality assurance commission as established
13 in chapter 18.25 RCW;
14 (iii) The dental quality assurance commission as established in
15 chapter 18.32 RCW;
16 (iv) The board of hearing and speech as established in chapter
17 18.35 RCW;
18 (v) The board of examiners for nursing home administrators as
19 established in chapter 18.52 RCW;
20 (vi) The optometry board as established in chapter 18.54 RCW
21 governing licenses issued under chapter 18.53 RCW;
22 (vii) The board of osteopathic medicine and surgery as established
23 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
24 18.57A RCW;
25 (viii) The board of pharmacy as established in chapter 18.64 RCW
26 governing licenses issued under chapters 18.64 and 18.64A RCW;
27 (ix) The medical quality assurance commission as established in
28 chapter 18.71 RCW governing licenses and registrations issued under
29 chapters 18.71 and 18.71A RCW;
30 (x) The board of physical therapy as established in chapter 18.74
31 RCW;
32 (xi) The board of occupational therapy practice as established in
33 chapter 18.59 RCW;
34 (xii) The nursing care quality assurance commission as established
35 in chapter 18.79 RCW governing licenses and registrations issued under
36 that chapter;
37 (xiii) The examining board of psychology and its disciplinary
38 committee as established in chapter 18.83 RCW; and

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW.

3 (3) In addition to the authority to discipline license holders, the
4 disciplining authority has the authority to grant or deny licenses
5 based on the conditions and criteria established in this chapter and
6 the chapters specified in subsection (2) of this section. This chapter
7 also governs any investigation, hearing, or proceeding relating to
8 denial of licensure or issuance of a license conditioned on the
9 applicant's compliance with an order entered pursuant to RCW 18.130.160
10 by the disciplining authority.

11 (4) All disciplining authorities shall adopt procedures to ensure
12 substantially consistent application of this chapter, the Uniform
13 Disciplinary Act, among the disciplining authorities listed in
14 subsection (2) of this section.

15 NEW SECTION. **Sec. 16.** Sections 1 through 13 of this act
16 constitute a new chapter in Title 18 RCW.

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